

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES ERNEST ROBINSON A/K/A
ROBERT ERNEST ROBBINSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63602

FILED

SEP 18 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal under NRAP 4(c) from an amended judgment of conviction, pursuant to a guilty plea, of two counts of burglary, obtaining and using the personal information of another, possession or sale of a document or personal identifying information to establish false status or identity, and theft. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Appellant first argues that his plea was involuntary and unknowing because trial counsel failed to communicate the consequences of his plea—specifically that he could be sentenced to life terms of imprisonment under the habitual criminal statute. *See* NRS 207.010. However, claims of ineffective assistance of counsel should be raised in post-conviction proceedings in the district court in the first instance and are generally not appropriate for review on direct appeal unless there has been an evidentiary hearing or an evidentiary hearing would be unnecessary. *Pellegrini v. State*, 117 Nev. 860, 883-84, 34 P.3d 519, 534-35 (2001); *Feazzell v. State*, 111 Nev. 1446, 1449, 906 P.2d 727, 729 (1995). Appellant has not established that either exception applies. Moreover, this court previously rejected a similar claim in his appeal from the denial

of his post-conviction petition for a writ of habeas corpus. *See Robinson v. State*, Docket No. 60234 (Order of Reversal, November 14, 2012).

Second, appellant argues that trial counsel was ineffective for not filing a notice of appeal from the amended judgment of conviction. He challenged counsel's representation on this ground, among others, in a post-conviction petition for a writ of habeas corpus. The district court denied the petition. On appeal, this court concluded that the district court erred by denying his appeal-deprivation claim and reversed that aspect of the judgment. Thereafter, the district court granted post-conviction relief and filed a notice of appeal from the amended judgment of conviction on appellant's behalf. *See* NRAP 4(c). The instant appeal serves as appellant's remedy for counsel's failure to file an appeal from the amended judgment of conviction and therefore no further relief is warranted.

Having considered appellant's claims and concluded that no relief is warranted, we

ORDER the amended judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Valerie Adair, District Judge
Carl E. G. Arnold
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk